UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/2002/138
14 March 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-eighth session
Item 6 of the provisional agenda

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Letter dated 15 October 2001 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

I have the honour to transmit herewith my remarks and comments on paragraphs 5 to 10 of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 2000/14 (E/CN.4/2001/21) submitted to the Commission on Human Rights at its fifty-seventh session. These remarks and comments were also sent to Mr. Maurice Glèlè-Ahanhanzo, the Special Rapporteur.

I would be grateful if you could circulate the attached remarks and comments* to all the members of the Commission as an official United Nations document under Item 6 of the agenda of the fifty-eighth session of the Commission on Human Rights, entitled "Racism, racial discrimination, xenophobia and all forms of discrimination".

(Signed) Najat AL-HAJJAJI
Ambassador
Permanent Representative

* Reproduced in the annex as received, in the original language and Arabic, and French, only.

Annex

The Permanent Mission of the Great People's Socialist Libyan Arab Jamahiriya to the United Nations Office at Geneva and the Other International Organizations in Switzerland

I have the honour to refer to paragraphs 5, 6, 7, 8, 9 and 10 of the report by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which was submitted pursuant to Commission on Human Rights resolution 2000/14 and contained in document E/CN.4/2002/21.

Mr. Ahanhanzo presented the report to the Commission at its fifty-seventh session (held at Geneva from 18 March to 27 April 2001) under item 6 of the provisional agenda entitled: "Racism, racial discrimination, xenophobia and all forms of discrimination".

In the aforementioned paragraphs, Mr. Ahanhanzo, on the basis of newspaper, radio and television reports, refers to incidents which he characterizes as racist and xenophobic that occurred in the Jamahiriya in September 2000.

In spite of the dialogue which I personally had with Mr. Ahanhanzo during the most recent (the fifty-fifth) session of the United Nations General Assembly, specifically on the occasion of a meeting of the Third Committee on 18 October 2000, when I explained, inter alia, the reasons for the outbreak of the incidents between Libyan citizens and certain African nationals in a district of Tripoli, and also in spite of the very clear response which I provided to the Special Rapporteur's request for clarification during an interview which I had with him, at his request, at the Palais Wilson at Geneva on 12 December 2000, and in spite of the formal letter which I sent to the esteemed Special Rapporteur on 3 January 2001 responding to Mr. Ahanhanzo's questions concerning the measures taken by the competent Libyan authorities in the aftermath of the incidents in question, Mr. Ahanhanzo has persisted in relying on and reproducing press reports in the aforementioned report.

Under the circumstances, I have no choice but to make the following comments and observations in response to the aforementioned paragraphs of the Special Rapporteur's report:

1. The Special Rapporteur has indicated that his information is based on reports by the written and audio-visual media. He has also cited extracts from articles that appeared in

certain newspapers. With all due respect to all media, Mr. Ahanhanzo ought to know that the information which the media provide cannot be used as the only source for a report by a Special Rapporteur of the Commission on Human Rights, particularly when some of the media in question have taken a hostile stance towards my country.

2. In spite of my assurances to the Special Rapporteur that the incidents in question were nothing more than a brawl between Libyan citizens and a number of Africans and that they constituted a form of criminal behaviour that could equally well occur between Libyan citizens or the African nationals themselves, Mr. Ahanhanzo insisted upon endowing the incidents with a racist and xenophobic character, which surprises us greatly.

3. I should like to assure the Special Rapporteur that the arrangements for the expulsion of the African nationals concerned were made in full cooperation with their countries of origin, through their accredited embassies in the Jamahiriya, in response to the express wishes of those nationals voluntarily to leave Libya, where their illegal presence and failure to secure employment had caused them a variety of problems. The Jamahiriya undertook to bear the costs of their repatriation, which have thus far amounted to US$ 60 million.

4. The investigation to identify those responsible for these incidents was entrusted to the Office of the People's Prosecutor, which has concluded its investigation. The case has been brought before a People's Court and is currently being heard by one of its chambers. The total number of suspects, both Libyans and African nationals, amounts to 331. The trial is being held in open court, broadcast live on the Libyan satellite channel and attended by accredited diplomats to the Jamahiriya and the correspondents of all newspapers and news agencies.

5. In that regard, I should like to remind the Special Rapporteur that my country, the Jamahiriya, is wholly committed to honouring its obligations vis-à-vis international labour standards, including in particular ILO Convention No. 95: Protection of Wages, 1949 and ILO Convention No. 111: Discrimination (Employment and Occupations), 1958.

6. As I already mentioned in my letter dated 3 January 2001 addressed to the Special Rapporteur, the incidents in question were the result of the illicit practices perpetrated by a number of African nationals which run counter to the values and traditions prevailing in Libyan society (murder, theft, trafficking in alcohol and narcotics, prostitution, rape, the counterfeiting of money, fraud and so on). In order to illustrate the point, we have enclosed a list of the offences carried out by the African nationals in question. I have no doubt that the Special Rapporteur will agree with me when I say that all rights must be accompanied by obligations and

that there are limits thereto. Many of the rights set forth under the six principal human rights instruments are subject to restrictions, including, inter alia, the need to ensure respect for the rights and good name of others, and to safeguard national security as well as public order, health and morals.

7. Finally, on behalf of the competent authorities of the Jamahiriya, I have the honour to invite Mr. Glèlè-Ahanhanzo to visit my country, the Jamahiriya, to see the situation of our fellow Africans at first hand. I shall leave it up to him to fix the date and duration of the visit and to choose the towns and places which he would like to see.